

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:19-cv-00062-MR-WCM**

PARKER EXCAVATING, INC.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
JOMCO CONTRACTING, LLC;)	
JOMCO, INC.; HIGHLANDS AT)	
CULLOWHEE, LLC; WESLEY)	
SAMUEL OWENBY; JOSEPH RILEY)	
JOHNSON; and TRICIA RUTH,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Defendant Wesley Samuel Owenby’s Notice of Bankruptcy and Stay Pursuant to 11 U.S.C. § 362 [Doc. 25].

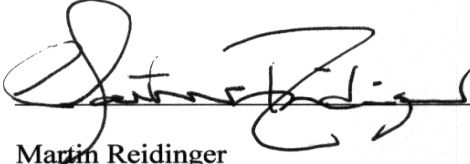
The Defendant Wesley Samuel Owenby has filed a notice with the Court indicating that he filed a voluntary bankruptcy petition under Chapter 7 of the United States Bankruptcy Code on July 10, 2019. It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16th ed. 2014); see also 11 U.S.C. § 362(a)(1)

(providing that a bankruptcy petition operates as an automatic stay of “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor”). Accordingly, the Court will consider this action stayed, but only as to the Defendant Wesley Samuel Owenby.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as to the Defendant Wesley Samuel Owenby only until further Order of the Court. All other claims pending in this action remain unaffected by this stay.

IT IS SO ORDERED.

Signed: August 5, 2019


Martin Reidinger
United States District Judge

